

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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RAYMOND WILLIAMS and MARY VIRGINIA  
WILLIAMS,

UNPUBLISHED  
February 1, 2007

Plaintiffs-Appellants,

v

CITY OF BURTON,

No. 265530  
Genesee Circuit Court  
LC No. 05-080706-CZ

Defendant-Appellee.

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Before: Borrello, P.J., and Jansen and Cooper, JJ.

PER CURIAM.

Plaintiffs appeal as of right from the trial court's order terminating an injunction, effective July 29, 2005, and providing that an earlier order denying reconsideration would remain in effect. We affirm.

This case arises out of defendant's efforts to demolish an unoccupied, residential structure on real property allegedly co-owned by plaintiffs, because the structure constituted a nuisance or hazardous condition. In January 2005, plaintiffs filed the instant action, seeking declaratory and injunctive relief and requesting monetary damages in the event the house and a storage shed on the property were demolished. Although plaintiffs alleged that defendant committed various procedural errors, the parties reached an agreement at a hearing on March 11, 2005, under which plaintiffs waived their procedural objections to the demolition. In accordance with the parties' agreement, the trial court entered an injunctive order, dated April 5, 2005, requiring plaintiffs to have the property ready for an occupancy permit by July 29, 2005, but providing that it "may review this matter prior to July 29, 2005, upon motion of either party, providing that the moving party provides the opposing counsel not less than (30) days notice."

At a hearing on July 18, 2005, the trial court considered evidence and arguments in connection with defendant's motion to terminate the injunction, based on plaintiffs' failure to make any progress toward making the residential structure ready for an occupancy permit, and then granted defendant's motion, effective July 29, 2005. Plaintiffs filed a motion for reconsideration relying, in part, on documentation showing that plaintiff Raymond Williams entered into an agreement with American Building Company on July 19, 2005, to rebuild the rear section of the residential structure for \$24,793, conditioned on payment of one-half of the price and that "no work shall commence unless and until the Honorable Richard B. Yuille reverses its ruling lifting the stay." Plaintiffs requested an order continuing injunctive relief until

August 8, 2005, so they could provide proof that substantial progress was being made to repair the structure. At a hearing on August 1, 2005, the trial court denied plaintiffs' motion for reconsideration, finding that it had previously considered the issues raised by plaintiffs.

Plaintiffs' sole claim on appeal is that it was inequitable for the trial court to deny their motion for reconsideration. We find that plaintiffs' argument confuses the standards applicable to injunctions and motions for reconsideration. Properly considered under the standards for motions for reconsideration, plaintiffs have not established any basis for relief.

A trial court's grant of injunctive relief to a party is grounded in equity. *Dyball v Lennox*, 260 Mich App 698, 703; 680 NW2d 522 (2004). Relevant factors in determining the propriety of this extraordinary remedy include: (1) the nature of the protected interest, (2) the relative adequacy of injunctive relief and other remedies, (3) any unreasonable delay by the plaintiff in bringing suit, (4) misconduct by the plaintiff, (5) the relative hardship to each party arising from the grant or denial of an injunction, (6) the interests of the public and third parties, and (7) the practicality of framing and enforcing the order. *Higgins Lake Prop Owners Ass'n v Gerrish Twp*, 255 Mich App 83, 106; 662 NW2d 387 (2003). After an injunction is issued, it may be modified by a trial court, upon application of a party, as the circumstances of the case may require. *City of Troy v Holcomb*, 362 Mich 163, 169; 106 NW2d 762 (1961); *First Protestant Reformed Church of Grand Rapids v DeWolf*, 358 Mich 489, 495; 100 NW2d 254 (1960).

By contrast, a motion for reconsideration of a trial court's decision is governed by MCR 2.119(F), which provides, in part:

(3) Generally, and without restricting the discretion of the court, a motion for rehearing or reconsideration which merely presents the same issues ruled on by the court, either expressly or by reasonable implication, will not be granted. The moving party must demonstrate a palpable error by which the court and the parties have been misled and show that a different disposition of the motion must result from correction of the error.

The rule gives a trial court considerable discretion to correct mistakes, preserve judicial economy, and minimize costs to the parties. *In re Moukalled Estate*, 269 Mich App 708, 714; 714 NW2d 400 (2006), lv pending; *Kokx v Bylenga*, 241 Mich App 655, 659; 617 NW2d 368 (2000). The trial court may even give a party a second chance on a motion previously denied. *Id.* We review the trial court's decision for an abuse of discretion. *Id.* In general, the abuse of discretion standard acknowledges that there will be more than one reasonable and principled outcome. *Maldonado v Ford Motor Co*, 476 Mich 372, 388; 719 NW2d 809 (2006), cert pending.

In this case, plaintiffs' motion for reconsideration was premature because it was based on the trial court's oral ruling at the hearing on July 18, 2005, rather than a court order. "Courts speak through their written orders, not their oral statements." *Boggerty v Wilson*, 160 Mich App 514, 530; 408 NW2d 809 (1987). The trial court nonetheless considered plaintiffs' motion, and we conclude that it did not abuse its discretion in denying reconsideration of its July 18, 2005, decision to terminate the injunction, effective July 29, 2005, the date established by the April 5, 2005, order for plaintiffs to have the property ready for an occupancy permit.

Plaintiffs neither alleged nor offered evidence of a palpable error by which the trial court and the parties were misled with respect to defendant's motion to terminate the injunction. MCR 2.119(F)(3). Rather, plaintiffs offered evidence of a subsequent event (a conditional contract dated July 19, 2005) for some partial work (rebuilding the rear section of the structure), and proposing a new deadline (August 8, 2005) and a new objective (substantial progress) for an injunction. Although the trial court had discretion to consider whether plaintiffs' new evidence merited continued injunctive relief in a modified form, in light of the record made at the earlier July 18, 2005, hearing regarding the lack of any improvement to the condition of the structure and plaintiffs' delay in seeking a modification of the injunction until after the trial court granted defendant's motion to terminate the injunction, the trial court did not abuse its discretion in denying reconsideration.

Affirmed.

/s/ Stephen L. Borrello  
/s/ Kathleen Jansen  
/s/ Jessica R. Cooper